



## Kentucky Labor Cabinet

**LABOR WORKS****FUN FALL FACTS**

Leaves change color when the chlorophyll disappears from the leaves due to shorter fall days. As the green fades, the small amount of yellows and oranges that were always there appear. Bright reds and purples are mostly made in the fall as the glucose trapped in the leaves turns red with the sunlight and cool nights. The brown color, as in oaks, is made from wastes left in leaves.

The most varied fall color, as well as the longest lasting, occurs in areas such as the southern Appalachians, where a dozen or more kinds of trees may change color at slightly different times over the longer fall season.

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**Greetings**

The 32<sup>nd</sup> Annual Labor-Management Conference was held on September 15-17, 2009, at Kentucky Dam Village State Resort Park, Gilbertsville, Kentucky, and has been referred to by many as “one of the best,” since our first conference was held in 1977.

The major goal of Kentucky’s annual labor-management conferences has been, and will continue to be, to provide a venue where labor-management relations, combined with planned leisure activities, brings union officials, management officials, and seasoned experts together to discuss and understand current issues and trends.

The very timely theme of this year’s conference was “**Labor-Management Relations In Tough Economic Times**,” which was echoed during many of the very well-attended seminars that were held.

The Kentucky General Assembly’s Interim Joint Committee on Labor and Industry met during the conference and was addressed by Commissioner Dwight Lovan of the Department of Workers’ Claims, Kentucky Labor Cabinet. Commissioner Lovan’s remarks were well-

received by the legislators, guests, and conference attendees. Also addressing the committee was Secretary Helen Mountjoy of the Kentucky Education Cabinet. Secretary Mountjoy reported that Kentucky has borrowed \$380 million from the federal government to ensure that Kentucky workers will continue to receive unemployment benefits. Secretary Mountjoy also indicated that legislation will need to be passed during the 2010 Legislative Session to again restore the unemployment insurance fund to solvency and pay off the federal loans.

Kentucky Governor Steve Beshear was the featured speaker at the special luncheon where he recognized the 2009 Labor Management Scholarship Award winner, Mr. Nathan D. DeBernardi, who is a student at Western Kentucky University. In addition, Governor Beshear recognized the service and contributions of Mr. Danny Ross, Policy Advisor, Kentucky Labor Cabinet.

Kentucky’s Lieutenant Governor Daniel Mongiardo was the featured speaker at the banquet, which also featured former Governor Julian

**Secretary J.R. Gray**

★ Secretary J.R. Gray ★

Carroll, who was Governor of Kentucky when the first labor-management conference was held in 1977. Numerous special recognitions of others highlighted the banquet.

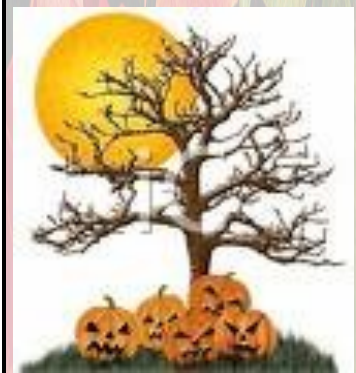
Everyone was pleased that registrations for the 2009 conference increased from the 2008 conference, including first-time participants.

I offer my special thanks to the labor-management committee, to my dedicated staff, employees and retirees of the Labor Cabinet, and those employees and retirees of the Economic Development Cabinet, volunteers, and all others who made our 2009 conference a great success.



Carving pumpkins was credited to immigrants that came to America during the Irish Potato Famine. Traditionally, they carved turnips, potatoes or beets and put a burning lump of coal or candle inside to represent the souls of the departed and placed them in windows to welcome the deceased. As turnips were not as readily available in America, they began using pumpkins. Today the pumpkin is a universal symbol of Halloween.

Did you know that bats are the only mammals that can fly? The wings or hands of a bat have very long finger bones covered by strong skin. Bats are warm-blooded and are covered with fur. Nearly all bats are helpful; with nearly 1000 different species, bats are responsible for controlling pest insect populations, pollinating flowers, and dispersing seeds. One insect-eating bat can catch 500-1000 insects in one hour!



## 2009 Labor-Management Award Recipients

### Ken Koch, President 681 IAM-AW



Ken is a member of the International Association of Machinists and Aerospace Workers and is very active in his city and state labor organizations. After serving in the U.S. Army, he returned home to achieve Machinist Journeyman status at Votator Company. He then moved into a highly-coveted position at Philip Morris, which filled out his career and gained him a strong reputation as a respected worker and devoted Labor Ambassador. His history is now dotted with numerous awards and accolades.

His unparalleled, passionate leadership in the city, state, and region's education, union, and political systems have helped to lay a historical framework upon which all aspects of society can hang their successes. He cites that "without working in concert, we are all subject to fail in the goal of achieving maximum productivity". **His goals have always been to establish a sense of unity in all processes of society** and each of his achievements have been to propel this vision forward.

Today, he celebrates

- 20 years as President of Local 681 (preceded by 9 years as Vice-President),
- 26 years representing the Union as Shop Steward at Philip Morris,
- 34 years on the Central Labor Council (20 years on the Executive Board),
- 30 years on the Louisville Machinists' Joint Apprenticeship Council, and many more years in a large number of other positions (elected and appointed), in which he helped unions and management make a real difference in workforce climate, and therefore, as Union Steward of the Machinists at Philip Morris, he was instrumental in helping forge an historic nine-year Labor-Management agreement that lead to labor/management peace until the company closed its Louisville tobacco production plant in 2000.

He is presently

- *President of Local 681 IAM-AW,*
- *President of District 27 Machinists,*
- *Vice President of the State AFL-CIO,*
- *Vice President of the Greater Louisville Central Labor Council,*
- *Member of Governor Steve Beshear's Unemployment Task Force, and*
- *Advisory Board Member of Univ. of Louisville's Labor-Management Committee.*

He recently served as

- *Chair of the Machinists State Council,*
- *Union Rep. for the Louisville United Way (during which he was awarded "Home Town Hero" award ), and*
- *Member of the Board of Directors of Jefferson Community College.*

He has continued to improve himself, taking courses at U of L and attending Computer Technology classes and Leadership courses at the William Winpisinger Education and Technology Center in Maryland. He intends to use his education and positions to continue bringing labor and management together.

Ken lives in Louisville with his wife, Janice, of 41 years. His two sons, Troy and Myron, also live in Louisville and, two grandchildren, Nora and Andy.



## 2009 Labor-Management Award Recipients

**Brent S. Wimsatt, PHR, Human Resource Manager, Johnson Controls, Inc.**



As Human Resource Manager for Johnson Controls, Inc. (JCI) Shelbyville, Kentucky, Seating Plant, Brent Wimsatt is responsible for all aspects of employee/labor relations. He began his career with Raytheon in Garland, Texas, as an Electrical Design Technician where he received his Journeyman card. While there, he was elected Chairman of the Plant Grievance Committee for United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) Local 848.

Shortly after his election, he was selected by the International Union to participate in the Fellowship Program and taught at Black Lake, the UAW's national training facility in Onaway, Michigan. He represented the Union in contract negotiations, in charges before the National Labor Relations Board (NLRB), and arbitration cases with arbitrators from the Federal Mediation and Conciliation Service (FMCS) and the American Arbitration Association (AAA).

In 1996, he relocated from Texas to Jeffersonville, Indiana, as an Employee Relations Officer with Jeffboat, a subsidiary of American Commercial Barge Lines (ACBL). Since then, he has held various positions of increasing responsibility including five (5) years as the Human Resource Manager at the Budd Company in Shelbyville, Kentucky.

Starting at JCI's Shelbyville Plant in 2005, he has been recognized as the subject matter expert in all employee/labor relations activity. He has drawn on his labor experience to develop a dynamic working relationship with the UAW Plant Bargaining Committee, which has resulted in a 100 percent reduction in grievances.

His history of grievance reduction has prompted JCI Corporate Human Resources to utilize him to assist other facilities in need of coaching and counseling relative to labor-management issues. He has assisted JCI plants in Texas, California, and Illinois in both grievance reduction and salaried personnel issues.

He has effectively organized and led all plant employee engagement activities such as the management roundtable, plant picnics, vision week, blue sky initiative, and the annual morale survey. He has been recognized as playing an instrumental part in the 30 percent improvement in the 2007-2008 JCI Morale Survey scores which resulted in the Shelbyville Plant being the most improved plant in North America.

While working full-time, he earned an associate degree in Electronic Technology from RETS Electronic Institute, a bachelor's degree in Economics and Finance from the University of Texas, a master's degree in Human Relations and Business from Amber University and a PHR Certification from the Society for Human Resource Management. He is also a member of the Honorable Order of Kentucky Colonels.

Corn, or maize, is a domesticated plant with its origin in the Mexican western Sierra Madre. It reached southern New England approximately 1,000 years ago. Early settlers to the United States probably would have died their first winter if the Native Americans had not provided corn to cook and eat. Corn was prepared into bread, porridge, soup, fried corn cakes and pudding.

Our recognition of the seasons is attributable to the 23.4 degree tilt of the earth. This tilt of the earth's axis alters the amount of intensity of the sun's rays that a region of the earth receives. The summer months finds the earth leaning towards the sun causing a more direct exposure to its warm rays. The cooler seasonal variations occur as the earth tilts away from the sun and the rays pass through the atmosphere at a greater slant.

Interestingly, there would be no seasonal changes in the temperature or the duration of daylight hours if the earth rotated on an axis perpendicular to the plane of the earth's orbit around the sun.

**The Labor-Management Conference Board of Directors will accept nominations for these awards throughout the year. If you know of a deserving individual from labor or management, you may obtain a nomination form by visiting our website at [labor.ky.gov](http://labor.ky.gov). Please help us recognize excellence in Labor-Management cooperation.**

## 2009 Julian Carroll Young Labor Leader

**Danny Kehl, Business Manager, International Association of Heat and Frost Insulators and Allied Workers Local 51**



Danny Kehl is the Business Manager for International Association of Heat and Frost Insulators and Allied Workers Local 51 in Louisville, Kentucky. Dan manages the day-to-day activities of a 175 member local union that has jurisdiction in 47 counties in Kentucky and Indiana.

Danny began his career in the commercial insulation industry in 1991 when he entered as an apprentice insulator. After serving a four year apprenticeship and gaining journeyman status in his local union, Danny, began developing his leadership abilities by holding various positions within his local union: He served for nine years on the local union executive board; vice-president for three years; trustee of the local for six years and served on the apprenticeship committee for seven years. These positions within his local union gave him the qualifications needed to be elected without opposition to business manager of his local in 2006. Since then he has taken on added responsibilities representing his union by becoming a trustee on the health & welfare fund and a trustee for the union pension fund.

He also distinguished himself outside the ranks of his local union. He played an integral part in the negotiations of the UPS Worldport Project, a \$1 billion project that created thousand of jobs for the building trades members. He was elected by his peers on the Greater Louisville Building and Construction Trades Council to be a trustee for the local council. He further distinguished himself by being elected to the Executive Board of the Kentucky State Building & Construction Trades Council.

His service to the advancement of union labor and training has not gone unnoticed by state government. Governor Steve Beshear recently appointment Danny to the Kentucky Apprenticeship & Training Council, where he will be working with other council members to improve the lives of many men and women serving apprenticeship in the Commonwealth of Kentucky.

## 2009 Julian Carroll Young Business Leader

**Kristy Rowan, MA, PHR, Human Resources Director, Buffalo Trace Distillery**



As the Human Resources Director for Buffalo Trace, Kristy is involved with training, facilitation and coaching, while developing a culture consistent with company values. She works with managers, supervisors and employee in developing skills needed to solve business problems that will benefit both the company and the employees. On a daily basis she counsels with managers, supervisors and union employees on matters pertaining to labor contract administration, maintains open communication with union representatives to insure a cooperative and productive relationship. She leads preparation for contract negotiations and actively participates in negotiations. She continually monitors the safety of the facility to insure the well-being of all employees.

Kristy was raised in Sioux City, Iowa where she learned the value of hard work from her father. Kristy earned a bachelor's degree with honors in Industrial/Organizational Psychology & Business Administration with International Trade Emphasis with a minor in Spanish from Morningside College. While in school, Kristy worked for MCI and was awarded the President's Club distinction nine times. Kristy continued her education at the University of Tulsa, where she earned a masters degree in Industrial/Organizational Psychology. Kristy has also earned a PHR Certification with the National Society for Human Resource Management, professional in human resources. She is a member of the International Foundation of Employee Benefit Plans, and the Louisville Society for Human Resource management.

Upon Graduation Kristy accepted a position with Swift and Company in Louisville, Kentucky in the human resources office. In less than two years she was promoted to Director of Human Resources for the Louisville site until 2007. In 2007 Kristy accepted the position of Human Resources Director at Buffalo Trace distilleries.

Kristy has given back to the community by serving on the Board of Directors for the Franklin County Chapter of the American Red Cross, on the Board of Directors for the Butchertown Neighborhood Association, on the Louisville Steering Committee, Industrial Liaison Group. Kristy has also worked as an Adjunct Professor, human resources issues at Purdue University, IUS Extension, and a seminar presenter on diversity challenges at the University of Louisville.

Kristy and her husband, Eric, live in Spencer County, with their 2 children, Emily (16), and Connor (14).



## OSH Penalty Calculations

OSH Compliance uses a gravity-based system to calculate penalties. Penalties are assessed based on the gravity of the violation, the size of the company, the good faith of the company, and the company's citation history. The gravity of the violation is the severity and probability.

The first step in assessing the gravity of the violation is to determine the most reasonably predictable injury that could occur from exposure to the hazard. The severity levels are HIGH, MEDIUM, LOW, and MINIMAL. High severity injuries can result in permanent disability, irreversible illnesses or death; medium severity injuries can result in injuries or temporary, reversible illnesses resulting in limited disability or hospitalization; low severity can result in injuries or temporary, reversible illnesses not requiring hospitalization and only requiring minor, supportive treatment; and a minimal severity classification reflect conditions which have a direct and immediate relationship to the safety and health of employees but would not result in serious physical harm or death.

Once the severity of the hazard has been determined, the inspector determines the probability. The probability levels are GREATER and LESSER. Probability assessment requires consideration of the number of employees exposed to the hazardous conditions (both at the same time and sequentially), frequency of exposure (including one-time, short exposures through more infrequent exposures from once a week up to exposures of more than once a week up to continuous daily exposure), employee proximity to the hazardous condition (fringe up to point of danger), any other working conditions (including speed of operation, lighting, temperature, weather conditions, noise, housekeeping, etc.) which may cause employee stress, and any other contributing factors (such as PPE, specific health and safety instructions, warning signs/labels, evidence of correction underway) or mitigating factors (such as inadequate or poor training, poor or nonexistent safety and health program, widespread hazardous conditions with no attempt to control them, no PPE, etc.) that were documented and considered in the final probability evaluation. All factors are to be weighted equally but if the inspector feels one factor has more of an effect on the probability, one factor can be weighted more.

After the gravity of the violation has been assessed, the inspector applies penalty reduction factors. These penalty reduction factors have already been applied when the employer receives its citations.

The size penalty reduction factor is based on the total number of employees an employer had the previous

year. That number remains constant throughout penalty calculations. An employer with 25 or fewer employees receives a 60 percent penalty reduction, an employer 26 through 100 employees receives a 40 percent reduction, an employer with 101 through 250 employees receives 20 percent penalty reduction and an employer with 251 or more employees receives no penalty reduction for size. The size reduction does not change throughout the penalty calculation process.

A penalty reduction for good faith is awarded if an employer has a documented implemented safety program and all safety programs it is required to have. Good faith penalty reduction factors are 25 percent, 10 percent, and 0 percent. To receive a 25 percent penalty reduction, the employer must have a documented and implemented safety & health program with minor deficiencies as documented during the inspection, a 15 percent reduction is awarded for a documented and effective safety and health program, but with more than only incidental deficiencies and an employer with no safety and health program gets 0 percent good faith reduction. This reduction factor is fluid in that no good faith is awarded for any violations that have been classified as high/greater, repeat, or failure to abate. If a willful violation is issued, no good faith is awarded to any violation in that inspection.

A 10 percent reduction for history is awarded if an employer has not had a serious, willful, repeat, or failure to abate violation in the previous three years. If an employer has had any of these violations in the past three years, no history is awarded. History is also awarded for every violation if warranted.

There are exceptions to an employer receiving penalty reduction factors. High/Greater violations are adjusted for only size and history, repeat violations are only adjusted for size, willful violations are adjusted only for size and history (If an employer receives a willful violation, no good faith is awarded for any violation), and failure-to-abate violations are adjusted for size only.

After the penalty reductions are determined, the total percentage reduction is determined by adding the percent reduction for size, good faith, and history.

After the gravity and the penalty reductions have been determined, OSH uses a chart to determine the final outcome. (Chart attached, continued next page)



## OSH Penalty Calculation continued

**EXAMPLE:** Employer ABC Company has 56 employees, has not had a serious, repeat, or willful, violation within the past two years, and has a documented/implemented safety program and all required programs. An inspection has discovered a machine with an unguarded point of operation.

The inspector determined the violation to be high severity because it could result in amputation and greater probability, because one employee was exposed at the point of danger for 24-hours each day, no employee training, no hand tools provided, adequate lighting and temperature, and the machine operator was paid on piece rate.

The employer received a size reduction of 40 percent, 0 percent reduction for good faith since the violation was high/greater although it had a documented/implemented safety program, and 10 percent reduction for history for a total penalty reduction of 50 percent.

The top horizontal line of the chart contains the gravity of the violation. High/greater violations have an unadjusted penalty of \$5000. The left vertical line has the percent reduction. Follow the left line down until you find 50 percent. Follow that line horizontally to the right until you reach the column that has the high/greater value and that is the adjusted penalty of \$2500.

**PENALTY CALCULATION TABLE**

| Percent Reduction | PENALTY (in dollars) |                |                   |                            |                    |                  |       |
|-------------------|----------------------|----------------|-------------------|----------------------------|--------------------|------------------|-------|
|                   | Minimal/<br>Greater  | Low/<br>Lesser | Medium/<br>Lesser | High/Lesser<br>Low/Greater | Medium/<br>Greater | High/<br>Greater |       |
| 0                 | 1000                 | 1500           | 2000              | 2500                       | 3500               | 5000             | 7000  |
| 10                | 900                  | 1350           | 1800              | 2250                       | 3150               | 4500             | 6300  |
| 15                | 850                  | 1275           | 1700              | 2125                       | 2975               | 4250*            | 5950* |
| 20                | 800                  | 1200           | 1600              | 2000                       | 2800               | 4000             | 5600  |
| 25                | 750                  | 1125           | 1500              | 1875                       | 2625               | 3750*            | 5250* |
| 30                | 700                  | 1050           | 1400              | 1750                       | 2450               | 3500             | 4900  |
| 35                | 650                  | 975            | 1300              | 1625                       | 2275               | 3250*            | 4550* |
| 40                | 600                  | 900            | 1200              | 1500                       | 2100               | 3000             | 4200  |
| 45                | 550                  | 825            | 1100              | 1375                       | 1925               | 2750*            | 3850* |
| 50                | 500                  | 750            | 1000              | 1250                       | 1750               | 2500             | 3500  |
| 55                | 450                  | 675            | 900               | 1125                       | 1575               | 2250*            | 3150* |
| 60                | 400                  | 600            | 800               | 1000                       | 1400               | 2000             | 2800  |
| 65                | 350                  | 525            | 700               | 875                        | 1225               | 1750*            | 2450* |
| 70                | 300                  | 450            | 600               | 750                        | 1050               | 1500             | 2100  |
| 75                | 250                  | 375            | 500               | 625                        | 875                | 1250*            | 1750* |
| 85                | 150                  | 225            | 300               | 375                        | 525                | 750*             | 1050* |
| 95                | 100**                | 100**          | 100               | 125                        | 175                | 250*             | 350*  |

\*Starred figures represent penalty amounts that would not normally be proposed for high gravity serious violations because no adjustment for good faith is made in such cases. They may occasionally be applicable for other-than-serious violations where the Secretary has determined that a high unadjusted penalty amount to be warranted.

\*\*Administratively, KYOSH will not issue a penalty less than \$100 for a serious violation





## Partnership

Danny Vernon, Partnership Branch Manager

L'Oreal takes hair care seriously. Many people are aware of and even use many of their products, and many may also be familiar with their Fructis brand of shampoos and conditioners, which are made at the L'Oreal facility in Florence, KY. But, as good as their products are, L'Oreal has something even better being produced at their facility; a world-class safety culture of which they can be very proud.

L'Oreal joined the ranks of Kentucky's Voluntary Partnership Protection (VPP) program in August 2006. In a nutshell, VPP, which is administered through the Kentucky Labor Cabinet's Occupational Safety and Health (OSH) Education and Training Division, identifies those facilities with the best safety and health program management systems and safety culture. There is a very detailed process which companies must go through and stringent requirements to meet before a company can be approved as a VPP site. Currently, there are only ten companies actively recognized as VPP in the state of Kentucky, L'Oreal, of course, being recognized as one of those companies. Joining the ranks of VPP is only the first step, however. To maintain VPP, companies must continually improve and be actively committed to the process and

must undergo a rigorous recertification every three (3) years. This is where the employees at L'Oreal found themselves this past August as a team of several safety and health professionals from Kentucky's OSH/Education and Training Division converged at the L'Oreal facility for a week's worth of program reviews, interviews, and facility audits.

The VPP audit team found L'Oreal to be organized and well prepared for the audit. Some of the strengths as noted by members of the VPP audit team were the employee involvement in safety and health activities of the L'Oreal employees, and the companies continual efforts to improve their safety and health management system. The company's safety audit teams were also noted as a strong point. These, of course, are items the VPP team looks for when conducting an audit and are integral parts of a great safety and health management system and overall safety culture.

So, the next time you reach for that L'Oreal hair care product on your local supermarket shelf, remember, not only is that a quality product, but it was made in a facility that takes safety very seriously and is proud to be a Kentucky VPP STAR site.



**Copies of this newsletter, along with statutes, regulations, statistics and any other information regarding the Kentucky Labor Cabinet can be found on our website at: [www.labor.ky.gov](http://www.labor.ky.gov)**

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For submissions and suggestions, please email: [mike.donta@ky.gov](mailto:mike.donta@ky.gov)

No information published herein should be construed as substituting for policy directives sent through regular channels to personnel.

If you would like your name added or removed from our mailing list, please visit our website at [labor.ky.gov](http://labor.ky.gov) and choose the "subscribe to our newsletter" link.

### **FREE Population Center Training Schedule**

**October 12-16**

Ashland  
KCTCS  
1460 College Drive

**November 2-6**

Owensboro  
OCTC  
Downtown Campus

*These training series are presented by the Labor Cabinet at NO COST to the participant. Please visit [labor.ky.gov](http://labor.ky.gov) for more information.*





## H1N1 Influenza Alert

With the heightened attention regarding the spread of the H1N1 flu virus, the Kentucky Labor Cabinet would like to provide some basic information to employers and employees. The Labor Cabinet suggests that employers and employees regularly monitor information provided by the Centers for Disease Control and Prevention (CDC) found at [www.cdc.gov/H1N1flu](http://www.cdc.gov/H1N1flu). The Labor Cabinet also encourages employers to promote the idea that employees share information learned at work with family members. Employers who educate their employees and encourage employees to share the information with their families may reduce the chances of a workforce reduction due to H1N1 or seasonal flu.

Workplace preparation is key. Employers should have plans in place to address a potential temporary reduction in their workforce. Based on current information about the circulation rates of the H1N1 virus and the “domino effect,” a workforce reduction could last 30 days or more. Employers should develop strategies to address workforce reductions such as telecommuting and cross training of employees to minimize the impact of a reduction.

Employers should also reassess personnel policies that penalize employees for missing work due to flu illness. Employees with H1N1 symptoms should be encouraged, if not required, to stay home. Additionally, employers should evaluate policies that require a physician’s excuse prior to an employee’s return to work. This practice may inundate physicians’ offices unnecessarily and contribute to spreading the virus to others. CDC information addressing when to seek medical attention may be found at <http://www.cdc.gov/h1n1flu/qa.htm#d>.

Depending on the unique characteristics of each workplace, employers may need to educate their employees on the appropriate uses of respirators. The CDC recommends N95 respirators for health care workers to protect against H1N1. The Kentucky Occupational Safety and Health (OSH) Program reminds employers the Respiratory Protection requirements found at 29 Code of Federal Regulations (CFR) 1910.134, adopted by 803 Kentucky Administrative Regulation 2:308, are applicable. It is important to note that 29 CFR 1910.134 differentiates between voluntary and required respirator use and has requirements addressing both.

The Kentucky OSH Program and the Occupational Safety and Health Administration (OSHA) differentiate between a respirator and a “surgical mask.” 29 CFR 1910.134 establishes that respirators certified by The National Institute for Occupational Safety and Health (NIOSH) are required

when such equipment is necessary to protect the health of an employee. “Surgical masks” are not certified by NIOSH and therefore are not recognized as respirators by the Kentucky OSH program or OSHA.

For more OSH specific information addressing pandemic influenza workplace practices, surgical masks, and respirators, please refer to the following websites:

[http://www.osha.gov/Publications/influenza\\_pandemic.html](http://www.osha.gov/Publications/influenza_pandemic.html); and

[http://www.osha.gov/Publications/OSHA\\_pandemic\\_health.pdf](http://www.osha.gov/Publications/OSHA_pandemic_health.pdf).

### **Influenza (flu) activity level in the state has increased from regional to widespread**

The Kentucky Department for Public Health (DPH) reported to the Centers for Disease Control and Prevention (CDC) recently that the influenza (flu) activity level in the state has increased from regional to widespread. Widespread activity is the highest level of flu activity, which indicates increased flu-like activity or flu outbreaks in at least half of the regions in a state. The activity levels for states are tracked weekly as part of the CDC’s national flu surveillance system. This level of flu activity is consistent with other southeastern states that are also currently reporting widespread activity.

Employees are urged to get vaccinated against seasonal flu and also receive an H1N1 vaccination when the vaccine begins to arrive in Kentucky, which should be by mid-October. Seasonal flu shots will be available free of charge for Kentucky state government employees within the next few weeks. However, because initial supplies of the H1N1 vaccine may be limited, vaccine administration will be recommended first for priority groups based on those most at risk. H1N1 vaccinations will be available through your health care provider or at your local health department.

The symptoms of both seasonal and H1N1 flu include fever, chills, headache, sore throat, cough, body aches and may include vomiting or diarrhea. Individuals at higher risk for complications – such as those with chronic health conditions or who are pregnant – should contact a health care provider early, in case treatment with antiviral medication is necessary.





## Drug Free Workplace Recognition



Pictured in the photo left to right are Joe Greathouse, Director of Insurance, KACo; Gary Moberly; James E. Roberts, Hardin County Deputy Judge/Executive; Harry L. Berry, Hardin County Judge/Executive and Lucretia Johnson, Division Director, Department of Workers' Claims.

Lucretia Johnson, Division Director of the Department of Workers' Claims (DWC) presented Hardin County Judge/Executive Harry L. Berry with a drug-free workplace certificate on June 9, 2009, during the Hardin County Fiscal Court meeting.

Hardin County is the first county in the state of Kentucky to be certified as a drug-free workplace. Mrs. Johnson commended Hardin County for demonstrating social responsibility and promoting safety in the workplace while also saving money in a challenging economic climate.

As a result of their drug free status, Joe Greathouse presented Hardin County with a check in the amount of \$23,645 which represents a 5 percent discount on their workers' compensation insurance premium.

The DWC is responsible for administering the drug-free workplace program in accordance with 803 KAR 25:280 and has certified 53 of 106 applicants this year.

The Department of Workers' Claims is available to provide education and training to employers regarding implementation of this program. For additional information about the Drug-free Workplace program contact Lucretia Johnson or Tara Aziz at (502) 564-5550 or by email at [lucretia.johnson@ky.gov](mailto:lucretia.johnson@ky.gov) or [tara.aziz@ky.gov](mailto:tara.aziz@ky.gov).



## IN ECONOMIC RECESSION, MANAGERS ARE STRESSED BY LAYOFFS TOO

One personnel manager wakes in despair at 4:00 a.m., worried about the employees in her company. Another boss has to remind himself to eat right and exercise so that he can handle the stress. A third says he has had tears in his eyes for months.

They are the bearers of bad news, the Grim Reapers, the corporate executioners, the office hatchet men. They're the ones whose job is to tell employees they have been laid off. And these days, they're miserable, too.

"It takes a huge amount of energy to ensure I don't get emotional," said Wendy Mahle, the Human Resources Manager at Sunrise-based Perfumania, which just laid off 95 employees because it is moving its headquarters to New York's Long Island. "If I started crying, that wouldn't help anybody."

American employers slashed 651,000 jobs in February, even more than analysts expected. When the monthly numbers come out, the focus is on the newly unemployed. Less attention is paid to the stress levels of those delivering the news. And they want it known they aren't all cold-hearted, script-reading drones who don't care about the people they are cutting loose.

Marty Flaska of Hoist Litruck in Bedford Park, Ill., was the kind of company owner who befriended his employees. For years, he would joke on the factory floor with the machinists and welders. Now the smile is gone, the small talk rare.

His company, which makes forklifts, has gone from 330 employees six months ago to 79 now. Flaska has personally given pink slips to each laid-off employee, often to people whose children he has seen grow from toddlers to teens.

"I had tears in my eyes for months on end," said Flaska, 48. "Some of these people have worked from me for 16 years, 17 years, 18 years."

Bill Holmes, Human Resources Chief for the athletic shoe

manufacturer Reebok, in Canton, Mass., said weeks of preparation precede the day of layoffs. Holmes, 46, said he tries to be mentally and physically ready by eating and sleeping right and getting his exercise.

His job, he said, is to make sure employees know why they are being laid off and what the company is offering in severance and assistance in finding a new job.

"It's a very tricky dynamic," Holmes said. "There's pride for the professionalism with which you do your job. There's profound sadness based upon what it is that you had to do."

During the layoff meeting, Holmes listens to the employee and says he is "firm and clear" about why and how the decision was made. What he doesn't do: utter hollow phrases like, "I know how you feel."

Reactions from workers include shock, denial, anger and sadness, and Holmes braces himself for the question everyone asks: "Why me?" Mass layoffs of the sort undertaken at Reebok can be easier for employees to take because they seem less personal, he said.

For John Younger, Chief Executive of Accolo, a recruitment outsourcing company based in the San Francisco suburb of Larkspur, the decision to lay off a dozen of the company's 54 employees came after a dreadful fourth quarter that saw clients stop hiring.

"It was gut-wrenching," Younger said.

Employees were called into a room and told they would be called out one by one. Those who got the call were given the bad news individually.

"This way the person could get their stuff, we could have a heart-to-heart, we could give them that kind of respect," Younger said.



## Portable Heater Safety

Rob Edwards OSH Safety Consultant

Colder temperatures will be here soon, and many employees will use portable heaters to keep warm in the office. These devices pose electrical and fire hazards. Here are eight simple tips to help keep you safe when using portable heaters at work:

### When Buying A Portable Heater, Select One Which:

- is listed with a nationally-recognized testing laboratory. These heaters have been tested to meet specific safety standards.
- is equipped with a guard around the heating element. A wire grill or other protection is essential to keep fingers or fabrics from touching the hot element.
- is designed to automatically shut-off when the heater is tipped over. This feature can prevent fires should the heater be accidentally knocked-over.

### Using a Portable Heater Safely:

- Read and follow the manufacturer's instructions and warning labels.
- Do not use a “power strip” or extension cord with your heater. These are typically not designed for high-power appliance, and can quickly overheat.
- Never run the heater's cord under rugs or carpeting.
- Use the heater on a flat, level surface.
- Only use a heater on tabletops when specifically permitted by the manufacturer.
- Do not leave the heater operating unattended.
- To prevent electrical shocks and electrocutions, always keep portable electric heaters away from water and never touch an electric heater if you are wet.
- Keep combustible materials such as furniture, papers, clothes, curtains, at least 3 feet from the front, sides, and rear.

**President Obama has nominated a friend of union workers in Paducah to be the next head of the Occupational Safety and Health Administration (OSHA). Dr. David Michaels' work has been very important to our community and workers, and we believe he is an excellent choice to head OSHA.**

**Dr. Michaels launched the historical investigation of safety and health practices at the Paducah Gaseous Diffusion Plant (PGDP). He was instrumental in obtaining federal funding for the Early Lung Detection Program which has saved many lives and Dr. Michaels was the chief architect of the Energy Employees Occupation Illness Compensation Program (EEOICPA). This program has awarded more than \$500 million to current and former PGDP workers and their families, as well as Building & Trades construction workers who were sickened by their working conditions and has awarded \$5 billion to nuclear weapons workers and their families nationally and we are now celebrating the 10<sup>th</sup> year anniversary for the Worker Health Protection Program.**

**Dr. Michaels will bring management and workers together to change the culture on workplace safety and his emphasis on sound science will lead to decisions that make sense. I also believe that most businesses want to have safe working environments for their workers and look to OSHA for guidance. Under Dr. Michaels' leadership, they will receive that guidance and workers will have intimate involvement each day in a voice for safety within their workplace .**